



U.S. Department of Justice


United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 7, 2022

Application granted.

SO ORDERED.

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
October 13, 2022

**By ECF**

The Honorable Naomi Reice Buchwald  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: *Ramon Aponte v. United States*, 16 Civ. 3511 (NRB), 02 Cr. 1082 (NRB)**


Dear Judge Buchwald:

The parties submit this joint letter in light of the Mandate issued by the Second Circuit in the above-captioned case on September 28, 2022, remanding this case for this Court to determine “whether the case law underlying Appellant’s claim may be applied retroactively to cases on collateral review and whether Appellant’s § 924(c) conviction is still supported by any valid crime-of-violence predicate.” (Dkt. No. 309.) The parties propose the following briefing schedule to address those issues presented, and whether there are alternative grounds for granting or denying Aponte’s Section 2255 relief:

- Aponte brief due Wednesday, November 2, 2022
- Government response due Wednesday, November 16, 2022
- Aponte reply (if any) due Wednesday, November 23, 2022

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by:   
\_\_\_\_\_  
Sarah L. Kushner  
Assistant United States Attorney  
(212) 637-2676

cc: Barry Leiwant, Esq. (by Email)